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April 24, 2007

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

Re: *Ex Parte: The Commission's Cable Horizontal and Vertical Ownership and Attribution Rules, MM Docket No. 92-264; In the Matter of Carriage of Digital Television Broadcast Signals, CS Docket No. 98-120; Petition of Comcast Corporation for Declaratory Ruling That The America Channel Is Not a Regional Sports Network as That Term Is Defined in the Commission's Adelphia Order, CSR-7108*

Dear Ms. Dortch:

On April 23 and April 24, Brian L. Roberts, Chairman and Chief Executive Officer of Comcast Corporation, accompanied by other representatives of the company, met separately with the Chairman and other Commissioners. Specifically, on April 23, Mr. Roberts met with (i) Chairman Kevin J. Martin, Michelle Carey, Senior Legal Advisor for Media Issues, and Catherine Bohigian, Chief, Office of Strategic Planning and Policy Analysis; (ii) Commissioner Jonathan S. Adelstein and Rudy Briocche, Legal Advisor for Media Issues; and (iii) Commissioner Deborah Taylor Tate and Chris Robbins, Acting Legal Advisor, and on April 24, Mr. Roberts met with (iv) Commissioner Robert M. McDowell and Cristina Chou Pauze, Legal Advisor for Media Issues; and (v) Commissioner Michael J. Copps and Rick Chesson, Senior Legal Advisor. Mr. Roberts was accompanied by Kerry Knott, Vice President, Federal Government Affairs (meetings (i)-(iv)); David L. Cohen, Executive Vice President (meeting (iv)); Kyle McSarrow, President and CEO, National Cable & Telecommunications Association (meeting (iv)); Ralph J. Roberts, Chairman of the Executive and Finance Committee of the Board of Directors (meeting (v)); David Rudd, Palmetto Group (meeting (v)); and the undersigned (meetings (i)-(v)).

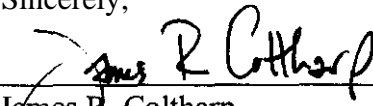
To varying degrees, the meetings involved discussions pertaining to three pending proceedings: Comcast's petition for declaratory ruling that The America Channel ("TAC") is not a regional sports network that is entitled to invoke the program carriage arbitration condition in the Adelphia merger order, the rulemaking on ownership rules for cable operators, and, in response to questions from the Commissioners, the rulemaking regarding carriage of digital broadcast television signals. On all of these subjects, Comcast's previous written submissions in the relevant dockets already contain the

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information and perspectives that Mr. Roberts presented during the meetings, with the following exceptions: (1) In response to a question from Commissioner Tate, Mr. Roberts undertook to ascertain the number of stations that invoke must-carry rights in the Washington **DMA**. That number is seven. (2) In the meeting with Commissioner McDowell, Mr. Roberts provided the attached summary of the conclusions reached by Mark Wyche, Managing Director of Bortz Media and Sports Group, regarding TAC, and we briefly summarized the support expressed for Comcast's petition by Altitude Sports, DIRECTV, and Time Warner.

Kindly direct any questions regarding this matter to my attention.

Sincerely,


James R. Coltharp
Chief Policy Advisor,
FCC & Regulatory Policy

Attachment

cc: Chairman Kevin J. Martin
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell
Commissioner Michael J. Copps
Michelle Carey
Catherine Bohigian
Rudy Brioché
Chris Robbins
Cristina Chou Pauze
Rick Chessen

Media Sports Expert, Mark Wyche, on TAC's Proposed Network

Mark Wyche is the Managing Director of Bortz Media & Sports Group. Mr. Wyche is a recognized expert in the area of regional sports networks ("RSNs"). Mr. Wyche's clients have included MASN and numerous other RSNs, Major League Baseball, Major League Soccer, the National Basketball Association, the National Hockey League, NASCAR, the **PGA** Tour, the Big East Conference, the Big 12 Conference, and more than 40 major professional sports franchises.

Mr. Wyche has examined TAC's proposed network and has reached the following conclusions:

TAC would not be considered an RSN by those in the sports industry.

- "TAC does not exhibit any of the defining characteristics that those in the sports programming industry would expect of an RSN."

TAC does not have "must have" programming, only low-value "filler" programming.

- "TAC's proposed programming does not constitute 'must have' sports programming . . . TAC's programming has insufficient ratings draw (and thus value) to constitute anything more than 'filler' programming that RSNs commonly obtain (for little or no cost) as a supplement to the core component programming (i.e., highly valued, exclusive sport events) that makes them an RSN."

TAC is not a regional network.

- TAC's "sports rights are generally not restricted to a limited geographic region." "[I]t appears that in most of TAC's regions they may have difficulty in providing the quantity of specifically regional programming that is typical of **an** RSN."
- "A legitimate RSN will have significant regional infrastructure. . . . TAC has identified no plans to establish any local studios, sales or marketing personnel, or other infrastructure elements that RSNs commonly require."
- "TAC's proposal to 'regionalize' where certain of these collegiate games are distributed, as a matter of its own discretion, does not make such programming the type of core component programming that a true RSN distributes."

TAC is abusing the FCC's Adelphia Order.

- "The current TAC concept appears contrived to fit a proposed legal definition rather than a legitimate business plan."

TAC's interpretation would open the floodgates for numerous sham RSNs.

- If TAC's interpretation of the *Adelphia Order* is accepted, it would "open the door for numerous other entities similarly to demand carriage as 'RSNs' based on non-exclusive, low value sports programming that can be easily replicated."